Remarks

Reconsideration and allowance of the above identified application is respectfully requested.

In the Office Action dated 1/21/2005 the Examiner rejected all of the currently pending claims 1-12 and 14-20 under 35 USC 103 as unpatentable. The Office Action and the references cited therein have been carefully considered and the above amendment is presented in an effort to advance prosecution of the application.

The Examiner rejected the claims under 35 USC 103 as being unpatentable over US Patent 4,266,560 (Powell) in view of US Patent 6,296,566 (Tanis) or alternatively over Tanis in view of Powell.

Applicants contend that both rejections under 35 USC 103 are improper. Applicants disagree with either combination of the two cited references by the Examiner. First, applicants contend that the structural combination of the two cited references based on the description and drawings in the two references is not possible. Second, applicants contend that the combination is improper because there is no teaching or suggestion in either reference to combine the two disclosures.

Powell discloses an axial rotor with a reduced diameter core tube 20, a frusto-conical transition portion 67 and a larger diameter cylindrical threshing portion 60. The core tube of Powell includes infeed helical flightings 25. The threshing portion includes rasp bars 63. The special threshing elements 62 of Powell are located on both the frusto-conical part 67 of the rotor and the core tube 20. See col. 5, lines 45-50 and Figures 2 and 4. Applicants note, as shown in Figures 2 and 4, that the longitudinally structure of the special threshing elements 62 extends over both the frusto-conical portion 67 and the core tube 20 and prevents the infeed flightings 25 already present on the axial rotor of Powell from being extended onto the frusto-conical portion 67.

Tanis discloses an axial rotor having a frusto-conical infeed portion 62 with

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helical infeed flightings 32 to deliver crop material to a cylindrical crop processing section 64. Tanis emphasizes the efficiency of the improved infeed section 62 for delivering crop material to the cylindrical crop processing section 64.

Thus, the combination suggested by the examiner, wherein the special threshing element 62, shown and described in Powell and mounted on both the core tube 20 and the frusto-conical portion 67, is combined with infeed flighting, such as the flighting 32 disclosed in Tanis, on the frusto-conical portion 67 of Powell, is not structurally possible.

The alternative combination suggested by the examiner, wherein the infeed flighting 32 on the frusto-conical portion 62 of Tanis, which is shown in Figure 2 and occupies the full extent of the frusto-conical portion 62, can not be structurally combined with the frusto-conical mounted threshing elements, such as the special threshing elements 62, as disclosed in Powell.

Furthermore, there is no teaching or suggestion in either Powell or Tanis to motivate the combination of the frusto-conical infeed flighting 32 of Tanis with the special threshing elements 62 on the frusto-conical portion 67 of the axial rotor of Powell.

Alternatively, there is no teaching or suggestion in either Powell or Tanis to motivate the combination of the special threshing elements 62 of Powell with the conical infeed flightings 32 of Tanis, specifically since the threshing elements 62 of Powell already extend over the full extent of the frusto-conical portion 67 and onto the core tube 20

Applicant has amended claims 16 and 19 to better present the embodiment described in paragraph 14 of the Specification, as originally filed.

It is therefore believed that the rejection of all the claims should be withdrawn and that this application is in condition for allowance. Such allowance is respectfully requested.

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Any fees or charges due as a result of filing of the present communication may be charged against Deposit Account 04-0525.

Respectfully,

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